

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**In the Matter of COEYMANS MARINE TOWING, LLC,
d/b/a CARVER MARINE TOWING AS OWNER AND
OPERATOR OF M/T MACKENZIE ROSE, (IMO No. 8968765),
Her Cargo, Engines, Boilers, Tackle, Equipment, Apparel, and
Appurtenances, etc., *in rem* petitioning for Exoneration from or
Limitation of Liability in allision with Norfolk and Portsmouth Belt
Line Railroad Company Main Line Railroad Bridge occurring June
15, 2024 in and about the Elizabeth River, Virginia.**

Case No.: 2:24cv490

**NORFOLK AND PORTSMOUTH BELT LINE
RAILROAD COMPANY,**

Consolidated Plaintiff/Claimant,

and

EVANSTON INSURANCE COMPANY,

Intervening Plaintiff/Claimant,

v.

JAMES MORRISEY,

Defendant.

ORDER

Before the Court is Norfolk and Portsmouth Belt Line Railroad Company's ("Claimant") Motion for Sanctions for James Morrissey's Failure to Attend Deposition ("the Motion"), and a memorandum in support, filed on July 3, 2025.¹ ECF No. 62–63. In the Motion, Claimant detailed the measures it had taken to secure Defendant Morrissey's attendance at his deposition, and his subsequent failure to appear. ECF No. 63. No other party to this proceeding filed a response to

¹ James Morrissey is a Defendant in this action, and filed a Verified Answer on May 14, 2025. ECF No. 54. He is proceeding *pro se* in this action.

the Motion. On August 1, 2025, Claimant filed a Notice advising that Defendant Morrissey had not been served with the Motion, inasmuch as he has appeared *pro se* in this litigation and is not a registered filer in the Court's case management system. ECF No. 78. Consequently, Claimant arranged for Defendant Morrissey to be personally served with the Motion for Sanctions, which was accomplished on August 4, 2025, according to an Affidavit of Service. ECF No. 83. Defendant Morrissey did not respond to the Motion for Sanctions, and the time to do so has expired. Accordingly, the Motion is ripe for disposition.

For good cause shown, Claimants' Motion for Sanctions for James Morrissey's Failure to Attend Deposition, ECF No. 62, is **GRANTED**, and the Court **ORDERS** as follows:

1. Defendant Morrissey is **DIRECTED** to appear for deposition within fourteen days of the date of this Order at the office of counsel for Claimant.

2. Claimant is **GRANTED** its reasonable attorneys' fees, travel expenses and court reporting expenses incurred for the June 24, 2025, failed deposition. Should Claimant wish to proceed with an award of its reasonable attorneys' fees, travel expenses and court reporting expenses, Claimant must submit its application for these fees and expenses **within thirty days of the date of this Order**, to include all necessary evidentiary support.

3. Defendant Morrissey is **ADVISED** that any further failure to attend his deposition may result in additional sanctions, including potential evidentiary or dispositive relief.

The Clerk is **DIRECTED** to forward this Order to counsel for all parties and to Defendant Morrissey at his address on record with the Court.

It is so **ORDERED**.

Norfolk, Virginia
August 20, 2025


Lawrence R. Leonhard
United States Magistrate Judge